

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES LEROY SCOTT,

Case No. 11-CV-1487 (PJS/JSM)

Petitioner,

v.

ORDER

TOM ROY,
Commissioner of Corrections,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated June 9, 2011. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, (Docket No. 1), is **DENIED**; and

2. This action is summarily **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 1, 2011

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge